

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:04-CR-399 CAS
)	
LEENORD CANADA,)	
)	
Defendant.)	

ORDER

This closed criminal matter is before the Court on defendant Leenord Canada's motion filed on March 29, 2007, which requests a copy of his sentencing transcript in order to further investigate the issues within his pending motion under 28 U.S.C. § 2255." Mot. at 1. Defendant does not further specify why he needs the requested transcript. Because defendant did not tender payment for copying costs, the Court assumes that defendant wants a copy of the transcript at government expense.

There is no basis for the Court to order that transcripts be provided to a defendant as part of a closed criminal case, and the motion will therefore be denied without prejudice. The Court notes that defendant has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. See Canada v. United States, 4:05-CV-2212 CAS (E.D. Mo.). Defendant may seek a copy of the transcript at government expense by filing a motion in his action under 28 U.S.C. § 2255.

Fees for transcripts furnished in proceedings brought pursuant to 28 U. S. C. § 2255 by persons allowed to proceed in forma pauperis are paid by the United States out of moneys appropriated for those purposes. 28 U.S.C. § 753(f). In a proceeding brought pursuant to § 2255,

the fee shall be paid by the United States upon certification by the trial judge that the suit is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.” Id.

If defendant chooses to file a motion for this transcript in his § 2255 proceeding, defendant shall specify which claim or claims in the § 2255 motion the requested transcript relates to, and why the transcript is necessary to decide the issues presented by that claim or claims, so the Court can determine whether the transcript should be provided pursuant to 28 U.S.C. § 753(f). Defendant shall also include a certificate of service on any motion for transcripts filed in the Section 2255 action, and send a copy of the motion to the government’s attorney of record.

Accordingly,

IT IS HEREBY ORDERED that defendant's Pro Se Motion Requesting a Copy of His Sentencing Transcript is **DENIED** without prejudice. [Doc. 35]

A handwritten signature in black ink, appearing to read "Charles A. Shaw", written over a horizontal line.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of April, 2007.